

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

NOLAN JAY MCAFEE,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:13-CV-42-TAV-HBG
)	
BWXT Y-12 – BECHTEL ENTERPRISES,)	
)	
Defendant.)	

ORDER OF DISMISSAL

Plaintiff filed this action on January 29, 2013, alleging disability discrimination against his former employer [Doc. 1]. No activity has occurred in the case since the filing of the Complaint, and Plaintiff was ordered to show cause in writing on or before January 10, 2014, why this action should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for insufficient service of process. Plaintiff has failed to respond to the Court's show cause order and pursuant to E.D. Tenn. Local Rule 7.2, his failure to respond will be deemed a waiver of any opposition to the Court's show cause order.

Federal Rule of Civil Procedure 4(m) states:

If a defendant is not served within 120 days after the complaint is filed, the court, on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against the defendant or order that service be made within a specified time.

Here, Plaintiff has failed to serve the summons and complaint on any defendant within 120 days of filing the complaint and Plaintiff has failed to respond to the Court's

show cause order, indicating to the Court that Plaintiff has no interest in prosecuting this action.

Accordingly, the Court finds that this action shall be **DISMISSED** for failure to prosecute.

The Clerk is **DIRECTED** to mail a copy of this order to Plaintiff, Nolan Jay McAfee, at 170 Granite Road, Clinton, Tennessee 37716.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE